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10 *Attorneys for Plaintiff, U.S. Bank National Association, as Trustee for Greenpoint Mortgage*
11 *Funding Trust Mortgage Pass-Through Certificates, Series 2007-AR1*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR GREENPOINT MORTGAGE
FUNDING TRUST MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-
AR1,

Plaintiff,

vs.

STEWART TITLE GUARANTY
COMPANY,

Defendant.

Case No.: 2:20-cv-00176-RFB-EJY

**STIPULATION AND ORDER TO
STAY CASE PENDING APPEAL**

COMES NOW Plaintiff U.S. Bank National Association, as Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through Certificates, Series 2007-AR1 (hereinafter “U.S. Bank”), and Defendant Stewart Title Guaranty Company (“Stewart”) (collectively, the “Parties”), by and through their counsel of record, and hereby agree and stipulate as follows:

WHEREAS, there are now currently pending in the United States District Court for the District of Nevada more than three dozen actions between national banks, on the one hand, and their title insurers, on the other hand (the “Actions”);

1 **WHEREAS**, each of the Actions involves a title insurance coverage dispute wherein the
2 national bank contends, and the title insurer disputes, that a title insurance claim involving an
3 HOA assessment lien and subsequent sale was covered by a policy of title insurance;

4 **WHEREAS**, in virtually all of these Actions, the title insurer underwrote an ALTA 1992
5 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
6 Endorsement and either the CLTA 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5
7 Endorsement (the “Form Policy”);

8 **WHEREAS**, each of the Actions implicates common questions of interpretation of the
9 Form Policy;
10

11 **WHEREAS**, the national bank in one of these actions has now appealed a judgment of
12 dismissal to the Ninth Circuit Court of Appeals, *Wells Fargo Bank, N.A. v. Fidelity National*
13 *Title Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-
14 WGC) (the “*Wells Fargo II* Appeal”);

15 **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in
16 the *Wells Fargo II* Appeal will likely touch upon issues regarding the interpretation of the Form
17 Policy and the reasonableness of the insurer’s denial, that could potentially affect the disposition
18 of the other Actions, including the instant action;
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20 **WHEREAS** both of the Parties agree that it is appropriate and desirous to stay the instant
21 action pending the disposition of the *Wells Fargo II* Appeal, that a stay of the instant action will
22 not prejudice either of the Parties, and that a stay of the instant action will best serve the interests
23 of judicial economy (given the possibility that the Ninth Circuit Court of Appeals’ decision on
24 the *Wells Fargo II* Appeal might affect the disposition of this case);
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1 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
2 stipulate and agree as follows:

- 3 1. The instant action shall immediately be **STAYED**, pending the disposition of the
4 *Wells Fargo II* Appeal.
- 5 2. Each of the Parties shall be excused from responding to any now-outstanding
6 discovery requests propounded by the other until after the stay is lifted.
- 7 3. Any now-pending deadlines to file responses to, or replies in support of, any
8 outstanding motions are hereby **VACATED**.
- 9 4. By entering into this stipulation, neither of the Parties is waiving its right to
10 subsequently move the Court for an order lifting the stay in this action.

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12
13 DATED this 13th day of May, 2020.

DATED this 13th day of May, 2020.

14 **WRIGHT, FINLAY & ZAK, LLP**

MAURICE WOOD

15 /s/ Lindsay D. Robbins

/s/ Elizabeth E. Aronson

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Mortgage Funding Trust Mortgage Pass-

9525 Hillwood Drive, Suite 140

Through Certificates, Series 2007-AR1

Las Vegas, NV 89134

Attorneys for Defendant, Stewart Title

Guaranty Company

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22 **IT IS SO ORDERED.**

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24 
25 **RICHARD F. BOULWARE, II**
26 **UNITED STATES DISTRICT JUDGE**

27 DATED this 15th day of May, 2020.